



City of Seattle

Department of Planning and Development

Diane M. Sugimura, Director

CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 3012172

Applicant Name: Tiffany McClurg for AT&T

Address of Proposal: 504 E Denny Way

SUMMARY OF PROPOSED ACTION

Land Use Application to allow an expansion of a minor communication utility (AT&T) consisting of two antennas on the rooftop of an existing multifamily structure.

The following reviews and approvals are required:

Administrative Conditional Use – to expand a minor communication utility in a MR zone. – pursuant to Seattle Municipal Code (SMC) 23.57

SEPA - Environmental Determination – pursuant to SMC 25.05

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND INFORMATION

The subject site is located northeast of the intersection of E Denny Way and Summit Ave. The site is zoned Midrise (MR) and is developed with a multifamily residential development.

Notice and Comment Period

Notice of the application was published on August 25, 2011. The required public comment period ended on September 7, 2011. The Land Use Application file is available at the Public Resource Center located at 700 Fifth Ave, Suite 2000¹.

ANALYSIS AND CRITERIA - ADMINISTRATIVE CONDITIONAL USE

Seattle Municipal Code (SMC) 23.57.011B provides that a minor communication utility, as regulated pursuant to SMC 23.57.002, may be permitted in a Midrise (MR) zone as an administrative conditional use when it meets the development standards of SMC 23.57.011C and the following criteria, as applicable.

- 1. The project shall not be substantially detrimental to the residential character of nearby residentially zoned areas, and the facility and the location proposed shall be the least intrusive facility at the least intrusive location consistent with effectively providing service. In considering detrimental impacts and the degree of intrusiveness, the impacts considered shall include but not be limited to visual, noise, compatibility with uses allowed in the zone, traffic, and the displacement of residential dwelling units.*

The applicant's plans depict a faux rooftop penthouse for the installation. Architecturally, this screening technique is compatible with the exiting architectural treatment for the building's exterior. The two antennas are within an enclosed rooftop structure approximately twelve (12) feet above roof elevation.

Neighbors and tenants of the building are not likely to be impacted with the utility's upgrade, in terms of its bulk and scale; once the upgrade is completed there will minimal visual impacts. As a result of the expansion, the minor communication utility service in the area will be improved and this will likely be beneficial to many residents and visitors to the neighborhood.

Traffic will not be affected by the presence of the utility. The antennas will not emit noise, and any noise associated with the equipment cabinet will be shielded by the walls of the room in which it is to be located within the apartment building's basement level. No dwelling units will be displaced in conjunction with this application. Thus, the proposal will not be substantially detrimental to the residential character of nearby residentially zoned areas.

As proposed, the minor communications utility will not constitute a commercial intrusion that will be substantially detrimental to the residential character of the surrounding neighborhood. The submitted documents and plans note the existing conditions and additional screening for the antennas and the location of the associated equipment cabinets, thus the proposed minor communications utility would be minimally obtrusive and not detrimental to the nearby residentially zoned areas.

¹ <http://www.seattle.gov/dpd/PRC/LocationHours/default.asp>

2. *The visual impacts that are addressed in Section 23.57.016 shall be mitigated to the greatest extent practicable.*

For reasons set forth above, the proposal complies with this criterion.

3. *Within a Major Institution Overlay District, a Major Institution may locate a minor communication utility or an accessory communication device, either of which may be larger than permitted by the underlying zone, when:*
 - a. *The antenna is at least one hundred feet (100') from a MIO boundary, and*
 - b. *The antenna is substantially screened from the surrounding neighborhood's view.*

Not applicable.

4. *If the minor communication utility is proposed to exceed the zone height limit, the applicant shall demonstrate that the requested height is the minimum necessary for the effective functioning of the minor communication utility.*

The proposed height of the minor communication utility is twelve (12) feet above the rooftop, with a total height for the installation of just over fifty (50) feet above the ground level. Documentation within the MUP file, provided by the applicant, demonstrates the need for the requested height as the minimum necessary for the effective functioning of the minor communication utility; the proposal complies with this criterion.

5. *If the proposed minor communication utility is proposed to be a new freestanding transmission tower, the applicant shall demonstrate that it is not technically feasible for the proposed facility to be on another existing transmission tower or on an existing building in a manner that meets the applicable development standards. The location of a facility on a building on an alternative site or sites, including construction of a network that consists of a greater number of smaller less obtrusive utilities, shall be considered.*

Not applicable.

Summary

The proposed project is consistent with the administrative conditional use criteria of the Seattle Municipal code as it applies to minor communication utilities. The facility is minor in nature and will not be detrimental to the surrounding area while providing needed and beneficial minor communications service to the area.

The proposed project will not require the expansion of public facilities and services for its construction, operation and maintenance. Once installation of the facility has been completed, approximately one visit per month would occur for routine maintenance. No other traffic would be associated with the project.

DECISION - ADMINISTRATIVE CONDITIONAL USE PERMIT

The application for an administrative conditional use is **GRANTED**.

CONDITIONS - ADMINISTRATIVE CONDITIONAL USE PERMIT

None.

ANALYSIS – SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant. The information in the checklist and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.554D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part: “Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,” subject to some limitations. Under such limitations/circumstances (SMC 25.05.665 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

The following temporary construction-related impacts are expected: 1) decreased air quality due to the increase dust and other suspended particulates from building activities; 2) increased noise and vibration from construction operations and equipment; 3) increased traffic and parking demand from construction personnel; 4) blockage of streets by construction vehicles/activities; 5) conflict with normal pedestrian movement adjacent to the site; and 6) consumption of renewable and non-renewable resources. Although not significant, the impacts are adverse and certain mitigation measures are appropriate as specified below.

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically, these are: 1) Street Use Ordinance (watering streets to suppress dust, obstruction of the pedestrian right-of-way during construction, construction along the street right-of-way, and sidewalk repair); and 2) Building Code (construction measures in general). Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary for these impacts. The other short-term impacts not noted here as mitigated by codes, ordinances or conditions (e.g., increased traffic during construction, additional parking demand generated by construction personnel and equipment, increased use of energy and natural resources) are not sufficiently adverse to warrant further mitigation or discussion.

Long-term Impacts

Long-term or use-related impacts are also anticipated, as a result of approval of this proposal including: increased traffic in the area and increased demand for parking due to maintenance of the facility; and increased demand for public services and utilities. These impacts are minor in scope and do not warrant additional conditioning pursuant to SEPA policies.

Environmental Health

The Federal Communications Commission (FCC) has pre-empted state and local governments from regulating personal minor service facilities on the basis of environmental effects of radio frequency emissions. As such, no mitigation measures are warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

The applicant has submitted a “Statement of Federal Communication Commission Compliance for Personal Minor Service Facility” and an accompanying “Affidavit of Qualification and Certification” for this proposed facility giving the calculations of radiofrequency power density at roof and ground levels expected from this proposal and attesting to the qualifications of the Professional Engineer who made this assessment. This complies with the Seattle Municipal code Section 25.10.300 that contains Electromagnetic Radiation standards with which the proposal must conform. The City of Seattle, in conjunction with Seattle King County Department of Public Health, has determined that Personal Communication Systems (PCS) operate at frequencies far below the Maximum Permissible Exposure standards established by the Federal Communications Commission (FCC) and therefore, does not warrant any conditioning to mitigate for adverse impacts.

Greenhouse Gas

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery — resulting in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the increased contribution of greenhouse gas emissions from this project.

Summary

In conclusion, several effects on the environment would result from the proposed development. The conditions imposed at the end of this report are intended to mitigate specific impacts identified in the foregoing analysis, to control impacts not adequately regulated by codes or ordinances, per adopted City policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

ADMINISTRATIVE CONDITIONAL USE AND SEPA CONDITIONS

None.

Signature: _____ (signature on file) Date: September 22, 2011
Colin R. Vasquez, Senior Land Use Planner
Department of Planning and Development

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